IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Craig Ogg
      Appellant

Application No.: 10/677,829	Confirmation No.: 9780
Filed: October 2, 2003	Art Unit: 3628
For: SYSTEM AND METHOD FOR ACCESSING A REMOTE POSTAGE METER ACCOUNT FROM A DEVICE THAT HAS A DEDICATED LOCAL METER AND ACCOUNT	Examiner: D. Vetter

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

As required under 37 C.F.R. § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on April 22, 2009, and is in furtherance of said Notice of Appeal.

The fees required under 37 C.F.R. § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and MPEP § 1206:

IX.   Evidence Appendix
X.   Related Proceedings Appendix

I.   REAL PARTY IN INTEREST

The real party in interest for this Appeal is:

Stamps.com Inc.

II.   RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this Appeal.

III.   STATUS OF CLAIMS

A.   Total Number of Claims in Application

There are 28 claims pending in the application.

B.   Current Status of Claims

1.   Claims canceled: 1-13 and 28-38

2.   Claims withdrawn from consideration but not canceled: 39-52

3.   Claims pending: 14-27 and 39-52

4.   Claims allowed: None

5.   Claims rejected: 14-27

C.   Claims on Appeal

The claims on appeal are claims 14-27.

IV.   STATUS OF AMENDMENTS

Appellant did not file an Amendment After Final Rejection.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings and their reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). It should be noted that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

An embodiment of the invention, as set forth in claim 14, provides for a method of accessing a remote postage account from a local postage evidencing device. The method comprises: configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts (*e.g.,* FIG. 1, elements 11, 12, and 13; 2:21-27 (para. [0006]); 5:22-6:2 (para. [0019])); connecting to a remote postage evidencing system via a local postage evidencing device, said local postage evidencing device having a local postage account (*e.g.,* 4:17-19 (para. [0013]); 6:9-16 (para. [0021]); 7:11-12 (para. [0025])); identifying a remote postage account administered by a selected vendor of said plurality of vendors on the remote postage evidencing system that is to be used to print postage on the local postage evidencing device (*e.g.,* 4:20-21 (para. [0013]); 7:14-15 (para. [0025])); selecting a desired postage amount to be printed on the local postage evidencing device (*e.g.,* 4:21-22 (para. [0013]); 6:16-20 (para. [0021])); reducing a balance on the remote postage account without transferring the value of the postage amount to the local account, thereby maintaining a same local postage account balance (*e.g.,* 4:24-26 (para. [0014]); 6:19-20 (para. [0021])); and printing the desired postage amount on the local postage evidencing device (*e.g.,* 4:22-23 (para. [0013]); 6:16-20 (para. [0021])).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 14-18, 20-21, and 24-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,591 (hereinafter *Pierce*) in view of International Patent Publication No. WO 02/093798 (hereinafter *Willoughby*). Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pierce* in view of *Willoughby*, and further in view of U.S. Patent No. 5,742,683 (hereinafter *Lee*). Claims 22 and 23 are rejected

under 35 U.S.C. § 103(a) as being unpatentable over *Pierce* in view of *Willoughby*, and

further in view of U.S. Patent No. 5,812,400 (hereinafter *Eddy*).

VII.　ARGUMENT

A.　Comparison of the Claimed Invention with the Cited References

Claims 14-27 stand rejected under 35 U.S.C. § 103(a) as obvious. Each of claims 15-

27 depends from independent claim 14, which stands rejected as obvious in view of *Pierce*

and *Willoughby*. To further the Board's understanding of the differences between the

claimed inventions and the subject matter disclosed by *Pierce* and *Willoughby*, Appellant has

provided a brief explanation of embodiments of the present invention and the systems

disclosed by *Pierce* and *Willoughby*.

Embodiments of the present invention relate to methods for accessing a remote

postage account from a local postage evidencing device. Embodiments of the present

invention require configuring a local postage evidencing device to communicate with a

plurality of vendors providing access to a plurality of remote postage accounts. In the

example of FIGURE 1, postage meter 11, postage kiosk 12, and personal computer 13, each

of which has a local postage account, are configured to communicate with a plurality of

remote accounts (e.g., remote account 15 and remote account 16). *See, e.g.,* Present

Application, FIG. 1 and 6:3-6 (para. [0020]). Thus "[w]hen a user accesses postage meter 11,

postage kiosk 12, or computer 13 to print he/she has the option of using [] a local postage

account balance or a remote postage account balance on evidencing systems 15 or 16. This

allows the user to utilize a preexisting account balance instead of making additional postage

purchases." Present Application, 6:3-6 (para. [0020]).

Embodiments of the present invention are, therefore, useful "in the situation where a

company employee is doing business outside the office and needs to mail something on

behalf of the company." Present Application, 6:7-9 (para. [0021]). The employee under the

prior art system would likely have to purchase postage from a self-service kiosk or use

another company's postage meter and then later seek reimbursement from his/her employer.

Present Application, 6:9-12 (para. [0021]). "The present invention reduces or even

eliminates the need for multiple accounts and the need for postage reimbursements because

the company's postage meter accounts are accessible by the employee when he/she needs postage from a self-service kiosk" or another company's postage meter. Present Application, 12-15 (para. [0021]).

As discussed in further detail below in addressing the present claim limitations, the systems of *Pierce* and *Willoughby* are fundamentally different from the present invention and do not require configuring a local postage evidencing device to communicate with a plurality of remote accounts. *Willoughby* discloses a system in which a user computer is configured to communicate with a single shipping system application program interface (API) to obtain a shipping label. *See, e.g., Willoughby*, FIGS. 1 & 2; paras. [0027]-[0033]. *Pierce* discloses a system in which a network of postage meters, such as within an office or an organization, may communicate with one another or a centralized data center in the network to retrieve postage values. *See, e.g., Pierce*, FIG. 1; 8:5-10.

B.   Rejections under 35 U.S.C. § 103

Claims 14-27 stand rejected under 35 U.S.C. § 103(a) as obvious. The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in *Graham v. John Deere and Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art.

As discussed further below, the rejections under 35 U.S.C. § 103(a) should be withdrawn because, when considering the scope and content of the applied references, there are significant differences between the applied combinations and claims 14-27, as the applied combinations fail to disclose all elements of these claims. Considering the lack of disclosure in the applied combinations of all elements of claims 14-27, one of ordinary skill in the art would not have found claims 14-27 obvious under 35 U.S.C. §103. The rejections should be reversed for at least this reason.

In addition, the Office has not shown that a person of ordinary skill in the art would have had a reason to make the applied combinations. *See In re Kahn, 441* F.3d 977, 986 (Fed. Cir. 2006); MPEP § 2143.01 (2008). The rejections under 35 U.S.C. § 103(a) should also be reversed because the Office has not provided an articulated reasoning with a rational underpinning to support its conclusions of obviousness. *See KSR Int'l Inc. v. Teleflex Co.,* 127 S.Ct. 1727, 1741 (Fed. Cir. 2007) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."); MPEP § 2142 (2008). For all of these reasons, Appellant respectfully requests that the Board reverse the rejections of claims 14-27 under 35 U.S.C. § 103(a).

1.　　Rejections under 103(a) in view of *Pierce* and *Willoughby*

Claims 14-18, 20-21, and 24-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pierce* in view of *Willoughby*.

a.　　Independent Claim 14

The combination of *Pierce* and *Willoughby* does not render claim 14 obvious at least because the applied combination does not disclose every element of claim 1. In addition, the Office has not shown that a person of ordinary skill in the art could have combined the *Pierce* and *Willoughby* to arrive at the claimed invention, or that a person of ordinary skill would have had a reason to combine the references as suggested in the Final Action. Appellant respectfully requests that the Board reverse the rejection of claim 14.

i.　　The asserted combination of *Pierce* and *Willoughby* does not disclose configuring a local postage evidencing device to communicate with a plurality of vendors

The alleged combination of *Pierce* and *Willoughby* does not disclose the portion of claim 14 that recites "configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts." The Office admits that *Pierce* does not disclose the aforementioned portion of claim 14, but asserts that *Willoughby* discloses configuring a local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts. Final Action at 4. The Office's reliance on *Willoughby* is misplaced. As further below, *Willoughby*

merely discloses a system in which a user computer, which the Office apparently likens to the claimed "local postage evidencing device," is configured to communicate with a single shipping system, or intermediary, that provides a shipping label to the user computer. *See, e.g., Willoughby*, FIG. 1 and paras. [0026]-[0030]. The disclosed user computer is not configured to communicate with a plurality of vendors, as is required by claim 14.

In the system disclosed by *Willoughby*, a user computer requests a shipping label from a shipping system. *Willoughby*, para. [0027]. "The request includes label information, for example, the name of the sender and/or a return address, the name and/or address of the recipient, and a mailing type for the label, such as Parcel Post, Express Mall [sic], or Priority Mail." *Id.* After the shipping system receives a request for a label, the shipping system determines the postage rate, and then sends the request and postage rate to a postage vendor. *Id.* at para. [0028]. The selected postage vendor debits a prepaid account for the postage rate and any additional associated label fee, and returns a postage indicia to the shipping system." *Id.* at para. [0029].

After receiving the postage indicia, the shipping system requests a delivery confirmation barcode from the USPS. *Willoughby*, para. [0028]. Then the shipping system generates a label based on the postage indicia, label information, and delivery confirmation barcode. *Id.* at para. [0029]. After generating the label, the shipping system sends the generated label to the user computer. *Id.* In some embodiments, the shipping system is the USPS shipping system API. *Willoughby*, para. [0030]. In other embodiments, there is a certified intermediary between the user and the shipping system. *Id.* at para. [0030].

Contrary to the Office's assertion, and as shown above, *Willoughby* discloses a system in which a user computer is configured to communicate only with a shipping system, and not a plurality of vendors as required by claim 14. *See, e.g., Willoughby*, para. [0031]. Although the shipping system is designed to communicate with a plurality of PC postage vendors, the local user computer, which the Office apparently likens to the claimed "local postage evidencing device," merely communicates with a shipping system, directly or through a certified intermediary. In other words, *Willoughby* discloses a system in which a user computer is configured to communicate with only a single entity, not a plurality of vendors. The rejection of claim 14 as obvious in view of *Pierce* and *Willoughby* should be reversed at least because the asserted combination does not disclose the portion of claim 14 that recites

"configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts."

> ii.   *Pierce* and *Willoughby* cannot be combined to arrive at the claimed invention

As noted above, the Office must ascertain the differences between the prior art and the claims in order to make a determination of obviousness. *See Graham v. John Deere and Co.,* 383 U.S. 1 (1966). In ascertaining the differences between the prior art and the claims, the Office must consider both the invention and the prior art references as a whole. MPEP § 2141.02 (emphasis added). When viewing the cited references as a whole, it is clear that *Pierce* and *Willoughby* cannot readily be combined to arrive at the claimed invention, and thus one of ordinary skill in the art would not have found the claimed invention obvious from the disclosures of *Pierce* and *Willoughby*.

Pierce and *Willoughby* disclose divergent postage metering systems. *Pierce* teaches a private network system such as one that would be distributed throughout an office, or multiple offices, of a company. *See Pierce,* 3:20-34. This network system provides communications between multiple postage metering devices that are set forth as nodes in the network, in order to either take advantage of the geographic location of other devices and/or to efficiently utilize money resources already owned by the owners of the network. *See Pierce,* FIG. 1; 5:14-6:10. *Willoughby,* on the other hand, discusses a software tool which facilitates a user in utilizing an online shipping system application program interface (API). *See Willoughby,* FIG. 1, item 130; para. [0016]. The shipping system API receives a request for postage, conducts a transaction with a PC vendor, provides metering services for the system (*i.e.,* no local meters are deployed, communicated with, etc.), and records the transaction. *Willoughby,* paras. [0028], [0030], and [0033]. As can be readily seen, the teachings of *Willoughby* cannot simply be substituted or added into the system of *Pierce* because the two systems are fundamentally different.

The Office takes issue with Appellant's arguments and states that Appellant "presupposes that the shipping system API of *Willoughby* must be included in the combination." Final Action at 3. The Office states that this assumption is invalid and asserts that evidence is required to support this assertion. *Id.* Contrary to the Office's assertion,

Willoughby expressly teaches that its entire invention is the API and all functionality flows therefrom. *See, e.g., Willoughby*, [0014]. In other words, the API of *Willoughby* provides all relevant functionality. The Office cannot separate the functional basis of the system described in *Willoughby* while asserting that it has considered *Willoughby* as a whole. If the Office does not use the API of *Willoughby* to provide the functionality relied on by the Office, then there is nothing in the cited references to teach one of skill in the art how to achieve the functionality that is admittedly missing from *Pierce*.

Moreover, if a person of skill in the art attempted to combine the systems of *Pierce* and *Willoughby*, the functionality of *Willoughby* would be a misplaced appendage on the network of *Pierce* and would create conflicting functionality. For example, all transaction processing of *Pierce* is implemented by a central network server in the network. *See Pierce*, 6:6-9. To provide access to multiple vendors in the network of *Pierce* using the teachings of *Willoughby*, one must include the functionality of the shipping system API to establish communication with the vendor systems. However, the shipping system API itself, which is necessary to facilitate interaction with multiple vendor systems, administers transaction processing. As such, the proposed combination would add conflicting transaction processing features. These, and other conflicts, would avert one with skill in the art from making the proposed combination. Further, separate transaction processors would frustrate the "centralized approach concerning transaction accounting," which is taught in *Pierce*.

The proposed combination is also improper because it would frustrate the principle metering operations of *Pierce*. *See In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (stating if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious); *see also In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) (if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification). The refilling process that the Office relies on as teaching "reducing a balance on the remote postage account without transferring the value of the postage amount to the local account" could not be carried out with the remote accounts in *Willoughby* because the algorithms of *Willoughby* would cause the shipping system API to subvert the functionality of the local PSD of *Pierce*.

Willoughby explicitly describes a postage transaction process where a shipping system API receives a request for a postage label from a user computer; determines the postage rate based on the request; retrieves postage indicia from a PC postage vendor, which debits a prepaid account; generates the requested label; and communicates the label to the user computer. *Willoughby*, paras. [0032]-[0033]. Whereas *Pierce* accesses account funds on a separated PSD, while metering is calculated and printed at a local PSD. *Pierce*, 4:15-21. As such, the vendors of *Willoughby* would not function as the asserted remote part of the network of *Pierce* because when a local PSD is attempting to utilize a remote account's funds, the shipping system API of *Willoughby* would attempt to meter the postage (which is the task of the local PSD of *Pierce*). This functionality would also prevent the remote account of *Willoughby* from transferring money to a device, such as a PSD of *Pierce*. Accordingly, if the proposed combination were implemented, it would not allow funds transfers between a local PSD and the API (which is asserted to function as a PSD), and would disrupt *Pierce's* methods for transaction accounting.

Moreover, the proposed combination could not function as set forth in the claimed invention. Claim 14 recites "reducing a balance on the remote postage account without transferring the value of the postage amount to the local account." The Office relies on the teachings of *Pierce* for this limitation; however, the remote postage account recited in the claim is "administered by a selected vendor of said plurality of vendors." In other words, in order to reject claim 14, the balance reduction teachings of *Pierce*, which utilizes money from a separate PSD, must necessarily work with what the Office Action relies on as remote accounts administered by vendors (of which the Office Action relies on *Willoughby* as teaching). As shown above, however, the proposed combination prevents such functionality because the shipping system API of *Willoughby* would attempt to carry out functions of the PSD requesting the funds. Therefore, the Office cannot rely solely on *Pierce* for teaching the above-recited limitation, and any combination with *Willoughby* would not meet the claimed limitation.

Appellant submits that the proposed combination is improper at least because it can not be properly combined by one with skill in the art. Additionally, the proposed combination would not function as required by the claims. For these reasons, Appellant requests that the Board reverse the rejection of claim 14.

iii.   The Office's reason to combine *Pierce* and *Willoughby* is improper

Claim 14 recites "configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts." The Office admits that *Pierce* does not disclose this limitation and relies on *Willoughby* to remedy this deficiency. Final Action at 4. The Office states as a reason to combine the references that "it would have been *prima facie* obvious to one having ordinary skill in the art at the time of the invention to incorporate the above teachings of Willoughby, so that a user can select another vendor if a particular remote postage provider suffers downtime." Final Action at 4. This rationale is flawed.

As acknowledged by the Appellee, *Pierce* does not teach "configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts." Office Action at 4. Hence, the system of *Pierce* does not have a remote vendor that could be suffering downtime and, therefore, there is no reason to add functionality to *Pierce* to allow for switching between remote vendors. Additionally, there is no reason that the network of *Pierce* would need to add any additional "down time" compensation. *Pierce* explicitly discloses that "each client PC has access, if authorized, to both its own local PSD(s), if any, and any other client PSD(s) in the network." *Pierce*, 3:31-33. In other words, the network components are in communication with each other. Thus, there would be <u>no need</u> to add communication abilities to compensate for down time of a component because such abilities are already present. Hence, one with skill in the art would not have found it obvious to combine *Pierce* and *Willoughby* "so that a user can select another vendor if a particular remote postage provider suffers downtime."

In making an obviousness rejection, the Office must show "what may have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR v. Teleflex*, 550 U.S. 398; 82 U.S.P.Q.2d 1385 (2007). Here, the Office has failed to provide a plausible reason for why a person of ordinary skill would have been motivated to combine *Pierce* and *Willoughby*. Accordingly, Appellant submits that the rejection of claim 14 is improper and requests that rejection be reversed.

b.   Dependent Claims 15-18, 20-21, and 24-27

Dependent claims 15-18, 20-21, and 24-27 each depend from independent claim 14 and inherit all of the limitations of claim 14. It has been shown above that claim 14 is not obvious in view of *Pierce* and *Willoughby*. The rejections of claims 15-18, 20-21, and 24-27 do not cure the above-identified deficiencies in the rejection of claim 14. Claims 15-18, 20-21, and 24-27 are, therefore, allowable at least for their dependence from claim 14. Moreover, claims 15-18, 20-21, and 24-27 recite features that make them patentable on their own.

For example, claim 25 recites "wherein the local postage account is a stored value of postage that has been downloaded from an Internet-based postage service." The Office asserts that this portion of claim 25 is disclosed by *Pierce* at column 2, lines 47-49. Final Action at 5. The cited portion of *Pierce* merely discloses that a PSD attached to a host computer can be refilled through a network connection to a data center. Yet it is unclear to Appellant, and the Office has made no effort to show, how the disclosed data center can be read to meet the claimed "Internet-based postage service."

To aid the Board in understanding the claimed "Internet-based postage service," Appellant directs the Board's attention to paragraphs [0003] and [0034] of the present application. Paragraph [0003] states, in part: "Individuals or companies can also use Internet-based postage accounts, such as an account with Stamps.com, in order to purchase and print postage via the Internet." Paragraph [0034] states, in part: "In one exemplary embodiment, the user has a postage account with the USPS or an Internet-based postage service, such as STAMPS.COM®."

A person of ordinary skill would not have interpreted the data center of *Pierce* as meeting the claimed "Internet-based postage server." *See In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 2009) ("The broadest reasonable interpretation of the claims must [] be consistent with the interpretation that those skilled in the art would reach."); MPEP § 2111. As shown above, an Internet-based postage service allows individuals or companies to purchase and print postage via the internet. Nothing in the disclosure of *Pierce* indicates that the data centers can be accessed by individuals or companies via the Internet or that the data centers allow individuals or companies to purchase and print postage via the Internet. Thus,

the Office's assertion that the data center of *Pierce* meets the claimed "Internet-based postage service" is improper. *See Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (claims must be "given their broadest reasonable interpretation consistent with the specification."); MPEP § 2111. Given that the Office has not shown that the asserted combination of *Pierce* and *Willoughby* discloses the portion of claim 25 that recites "the local postage account is a stored value of postage that has been downloaded from an Internet-based postage service," Appellant requests that the Board reverse the rejection of claim 25.

> 2.   Rejections under 35 U.S.C. § 103(a) in view of *Pierce, Willoughby*, and *Lee*

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pierce* in view of *Willoughby*, and in further view of *Lee*. Dependent claim 19 depends directly from independent claim 14 and, thus, inherits all of the limitations of claim 14. As discussed above, the cited combination of *Pierce* and *Willoughby* does not teach or suggest all limitations of claim 14. The cited combination of *Pierce* and *Willoughby*, therefore, does not teach or suggest all the claim limitations of claim 19. The rejection of record does not rely on *Lee* to cure the deficiencies of *Pierce* and *Willoughby* with respect to claim 14, nor does *Desai* cure those deficiencies. It is respectfully submitted that dependent claim 19 is allowable at least because of its dependence from claim 14 for the reasons discussed above.

> 3.   Rejections under 35 U.S.C. § 103(a) in view of *Pierce, Willoughby*, and *Eddy*

Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pierce* in view of *Willoughby*, and in further view of *Eddy*. Dependent claims 22 and 23 depend directly from independent claim 14 and, thus, inherit all of the limitations of claim 14. As discussed above, the cited combination of *Pierce* and *Willoughby* does not teach or suggest all limitations of claim 14. The cited combination of *Pierce* and *Willoughby*, therefore, does not teach or suggest all the claim limitations of claims 22 and 23. The rejection of record does not rely on *Eddy* to cure the deficiencies of *Pierce* and *Willoughby* with respect to claim 14, nor does *Eddy* cure those deficiencies. It is respectfully submitted that dependent claims 22 and 23 are allowable at least because of their dependence from claim 14 for the reasons discussed above.

VIII.   CLAIMS APPENDIX

A copy of the claims involved in the present Appeal is attached hereto as Appendix A.
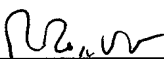
IX.   EVIDENCE APPENDIX

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Appellee is being submitted.

X.   RELATED PROCEEDINGS APPENDIX

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.

Dated: June 22, 2009   Respectfully submitted,

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the U. S. Patent and Trademark Office electronic filing system in accordance with § 1.6(a)(4).

By: _____
Linda L. Gibson

Date of Transmission: _____ June 22, 2009 _____

APPENDIX A

1-13. (Canceled)

14.   A method of accessing a remote postage account from a local postage evidencing device, comprising:

configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts;

connecting to a remote postage evidencing system via a local postage evidencing device, said local postage evidencing device having a local postage account;

identifying a remote postage account administered by a selected vendor of said plurality of vendors on the remote postage evidencing system that is to be used to print postage on the local postage evidencing device;

selecting a desired postage amount to be printed on the local postage evidencing device;

reducing a balance on the remote postage account without transferring the value of the postage amount to the local account, thereby maintaining a same local postage account balance; and

printing the desired postage amount on the local postage evidencing device.

15.   The method of claim 14 further comprising:

printing the desired postage amount on the local postage evidencing device without reducing a balance on the local postage account.

16.   The method of claim 14 further comprising:

authenticating a user with the remote postage evidencing system.

17.   The method of claim 14 further comprising:

connecting to the remote postage evidencing system using a wireless connection.

18.   The method of claim 14 further comprising:

connecting to the remote postage evidencing system using a wireline connection.

19.   The method of claim 14 further comprising:

identifying a user to the local postage evidencing device using a biometric input.

20.   The method of claim 14 wherein the local postage evidencing device is a postage meter.

21.   The method of claim 20 wherein the local postage account is a register that reflects the amount of postage that is currently authorized on the device.

22.   The method of claim 14 wherein the local postage evidencing device is a postage dispensing kiosk.

23.   The method of claim 22 wherein the local postage account is an amount of postage purchased by a user at the kiosk.

24.   The method of claim 14 wherein the local postage evidencing device is a personal computer coupled to a printer.

25.   The method of claim 24 wherein the local postage account is a stored value of postage that has been downloaded from an Internet-based postage service.

26.   The method of claim 14 wherein the remote postage account vendor is an Internet-based postage service.

27.   The method of claim 14 wherein the remote postage evidencing account comprises a postage account established by the United States Postal Service.

28-38.   (Canceled)

39.   A postage kiosk comprising:

a local postage account;

a payment acceptance means for accepting payment for postage to be purchased from the local postage account by a user; and

a communication module configured to communicatively connect the kiosk to one or more remote postage server systems, at least one of said remote server systems having a plurality of remote postage accounts, wherein the kiosk is adapted to selectively use the local postage account and one or more of the plurality of remote postage accounts in postage transactions.

40.   The postage kiosk of claim 39 further comprising a printer for printing purchased postage.

41.   The postage kiosk of claim 40 wherein a balance on the remote postage account is reduced without transferring a purchased value of postage to the local account, thereby maintaining a same local postage account balance when printing the purchased postage.

42.   The postage kiosk of claim 39 wherein the communication module is configured to authenticate a user with the one or more remote postage server systems.

43.   The postage kiosk of claim 39 wherein at least one of said at least one remote postage server systems is an Internet-based postage service.

44.   The postage kiosk of claim 39 wherein at least one of said at least one remote postage server systems comprises a postage account established by the United Sates Postal Service.

45.   The postage kiosk of claim 39 wherein the kiosk is configured to communicatively connect to one or more remote postage server systems from a plurality of vendors.

46.   The postage kiosk of claim 39 wherein the communication module is configured to access remote payment systems.

47.   A method comprising:
configuring said postage evidencing device to have a local postage account, said local postage account configured for business or personal use of an owner of said postage evidencing device; and
configuring said postage meter to access one or more remote postage accounts not directly related to the local postage account, said one or more remote postage accounts configured for an alternate use for a user of said postage meter, wherein said alternate use is separate than said business or personal use of the owner of said postage evidencing device.

48.   The method of claim 47 wherein the alternate use of the user is a business use of the user.

49.   The method of claim 47 further comprising configuring the postage evidencing device to print a postage amount which has been purchased from a remote postage account without reducing a balance on the local postage account.

50.   The method of claim 47 further comprising configuring the postage evidencing device to communicate with a plurality of vendors providing remote postage accounts.

51.   The method of claim 50 wherein the remote postage evidencing account comprises a postage account established by the United States Postal Service.

52.   The method of claim 47 wherein the remote postage account is an Internet-based postage service.

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Appellee is being submitted.

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.